

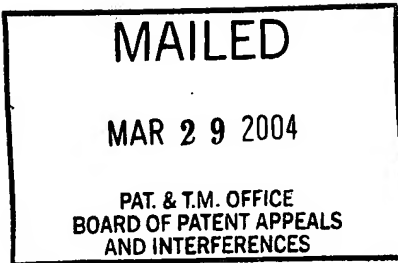
UNITED STATES PATENT AND TRADEMARK OFFICE

\_\_\_\_\_  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

\_\_\_\_\_  
Ex parte JOSEPH MELEKIAN

\_\_\_\_\_  
Application No. 10/056,156

\_\_\_\_\_  
ORDER RETURNING TO EXAMINER  
\_\_\_\_\_



This application was received at the Board of Patent Appeals and Interferences on March 8, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

The Final Rejection mailed April 14, 2003 (Paper No. 6) lists the grounds of rejection as follows:

1. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Blatter et al (U.S. Patent no. 3,862,675);
2. Claims 1, 5, and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated

Application 10/056,156

by Strebinger et al (U.S. Patent no. 2,875,859); and

3. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strebinger in view of Young (U.S. Patent no. 5,261,512).

However, on page 3 of the Examiner's Answer mailed October 31, 2003 (Paper No. 11), the examiner states that "[c]laims 1-3, 5-7, and 9-13 are rejected under 35 U.S.C. 102." Clarification is required regarding the status of the 35 U.S.C. § 103(a) rejection of claims 4 and 8. It should be noted that if the Young reference is still applicable to this rejection, a supplemental Examiner's Answer will need to be issued which lists the Young reference under the heading "Prior Art of Record" in compliance with the Manual of Patent Examining Procedure (MPEP) § 1208(A)(9).

Accordingly, it is

ORDERED that the application is returned to the Examiner:


1. for clarification regarding the status of the 35 U.S.C. § 103(a) rejection of claims 4 and 8;

Application 10/056,156

2. if appropriate, for compliance with MPEP  
§ 1208(A)(9) by listing the Young reference in a Supplemental  
Examiner's Answer under the heading "References of Record";
3. for a written communication to appellant regarding  
the action taken; and
4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
\_\_\_\_\_  
DALE SHAW  
Program and Resource Administrator  
(703) 308-9797

cc: Carlson, Gaskey & Olds, P.C.  
400 West Maple Road  
Suite 350  
Birmingham, MI 48009

DS/psb/lc  
ra040369